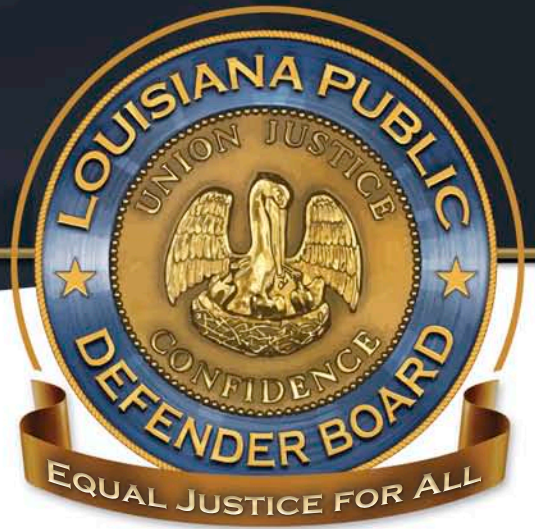


LOUISIANA PUBLIC DEFENDER BOARD

WWW.LPDB.LA.GOV



About LPDB

Created by the Public Defender Act of 2007^{viii}

State Public Defender:
Jean M. Faria

Deputy Public Defenders:
Julie Kilborn
H. Clay Walker

Location: Baton Rouge

15-member Board of Directors (plus two ex officio members)

16-person executive branch state agency

Staff divisions:
Administration
Compliance
Training
Capital Defense
Juvenile Defense
Budget
Information Technology Management
Special Projects

Fiscal Year Budget (2011):
\$32,778,868

- 6.5% of the budget supports the agency - the remainder is distributed to the field for the representation of indigent clients.
- Supervises public defense services in all 42 judicial districts.
- Program Member of the National Legal Aid & Defender Association and the Community Oriented Defender Network.
- Works with OFSA to provide law school loan reimbursement for eligible public defenders.

The State We're In:

Louisiana has the highest rate of incarceration of any state in the nation, significantly ahead of the state with the second highest rate (Mississippi). The United States has the highest incarceration rate of any nation on Earth, giving Louisiana the distinction of incarcerating more people per capita than any other jurisdiction on the planet.ⁱ

In 2007, Louisiana spent over 7% of its total state operating budget on prisons and Corrections costs.ⁱⁱ This does not include costs for prosecution, defense, courts, appeals or pre-trial incarceration. Tax dollars spent on prisons take away from other public projects: schools, roads, hospitals and coastal preservation.

Louisiana has approximately 38,000 prisoners in the state's 12 state correctional facilities.ⁱⁱⁱ Pre-trial prisoners, trustees and those serving short sentences are also housed in the state's 108 local jails.^{iv}

Louisiana is the only state in the nation that continues to fund nearly 50% of its constitutional right to counsel from local funds.

Despite increases in funding and significant improvements to the structure of the state public defense system, Louisiana remains out of step with every other state in the country in its reliance on traffic ticket revenue.^v

The Louisiana State Constitution guarantees that at each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. It is the responsibility of the legislature to provide for a uniform system for securing and compensating qualified counsel for indigents.^{vi}

There is pending class-action litigation against the State of Louisiana alleging state and federal constitutional deficiencies in the system of providing legal defense to indigent defendants in Calcasieu Parish.^{vii} Complaints are pending in two other districts as well.

Juvenile Justice

One out of every four Louisianans is a child.

Louisiana was ranked 49th in the country in overall child well-being on 10 key indicators.^{ix}



LPDB Mission

In pursuit of equal justice, the Louisiana Public Defender Board advocates for clients, supports practitioners and protects the public by continually improving the services guaranteed by the constitutional right to counsel.

Through its commitment to performance standards, ethical excellence, data-driven practices and client-centered advocacy, the Louisiana Public Defender Board oversees the delivery of high quality legal services affecting adults, children and families, and supports community well-being across Louisiana.

Continued from page 1

Louisiana has the second highest rate of child poverty in the country – 27% of children lived in homes with income below the poverty line in 2007.^x About 66% of Louisiana's 9th graders who began high school in 2005 graduated four years later with a standard diploma.^{xi}

Juvenile law is a distinct and specialized practice, utilizing separate procedures, outlined in the Louisiana Children's Code.

Louisiana has four statutorily created juvenile courts (in Caddo, Orleans, Jefferson and East Baton Rouge). In the remaining 38 districts, there is no specialized juvenile court. In some, juvenile defense is scheduled only one day per month.

Children in the juvenile justice system have unique needs. A 2007 study by the Juvenile

Justice Implementation Commission reported that of the current youth in secure care, 42% had a severe mental illness, 47% had documented educational disabilities, and 54% were mentally retarded or had borderline mental functioning.^{xii}

As part of litigation initiated by the Department of Justice, juvenile prisons in Louisiana were under federal supervision for more than 8 years because of documented violence against youth, inadequate access to services and other problems.^{xiii} Since 2006, when the lawsuit against Louisiana was dismissed, Louisiana has not provided statewide post-disposition legal services for youth in secure care facilities.

Louisiana's juvenile justice system receives almost unparalleled national support. Louisiana is one of four MacArthur Foundation 'Models for Change' states, with six selected sites focusing on reducing racial

disparity, encouraging access to services, and supporting alternatives to incarceration. Louisiana is one of eight states in the country comprising the Juvenile Indigent Defense Action Network (along with PA, IL, WA, CA, FL, NJ, and MA). Louisiana is also an Anne E. Casey 'Juvenile Detention Alternatives Initiative' state, with five local sites working to continue juvenile defense reforms in Louisiana.^{xiv}

Louisiana has made some significant juvenile justice improvements: between 2000 and 2007, the number of youth in secure custody in Louisiana declined by 67%, falling from 1,485 to 486.^{xv}

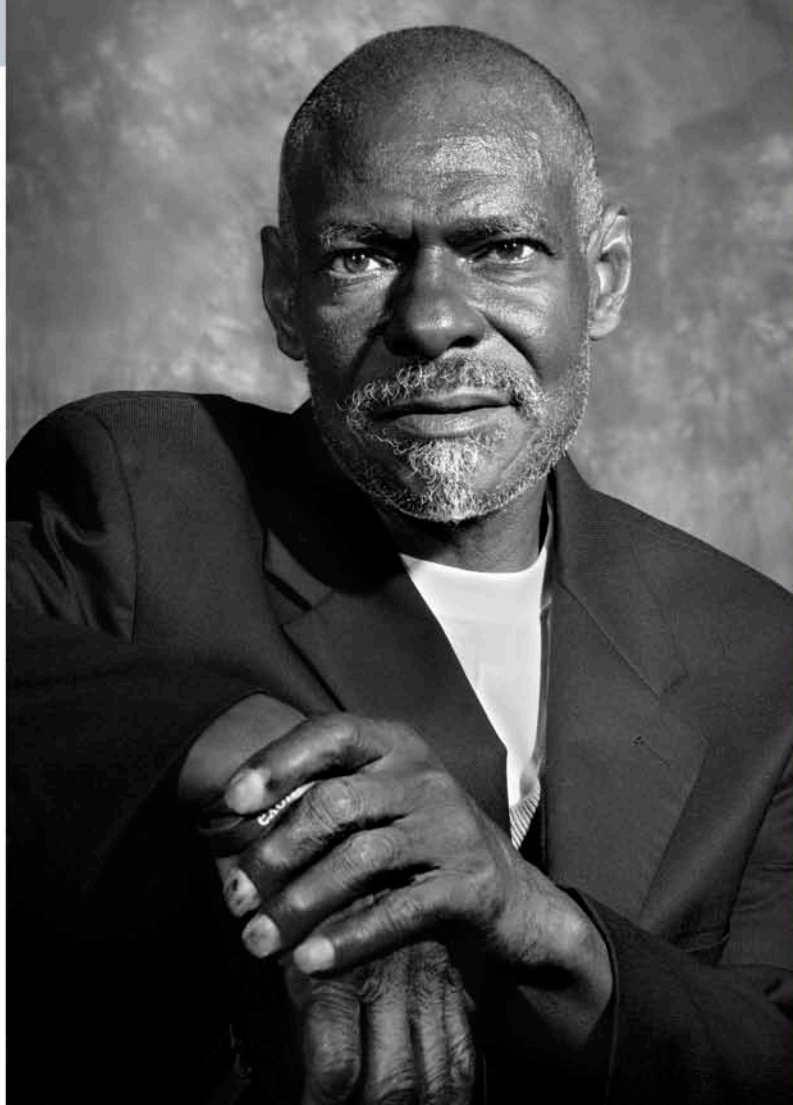
Innocence

Louisiana not only has the country's highest incarceration rate, but also an unconscionably high rate of wrongful conviction. Since 1991, 29 innocent men and 1 woman have been released from

prison for crimes that they did not commit – serving a total of over 300 collective years in prison.

Foundations and private funds – not the State of Louisiana – paid the vast majority of legal expenses associated with these cases.

Since its founding in 2000, the Innocence Project New Orleans has received over 3,000 applications from prisoners seeking representation for wrongful conviction. IPNO is only able to accept a small fraction of applications. Currently, IPNO is actively investigating or representing 30 clients.^{xvi}



In 1981, Clyde Charles was arrested near Houma for a crime he did not commit. He was convicted and sentenced to life in prison for aggravated rape. Nearly 19 years later, Mr. Charles was exonerated by DNA evidence. He passed away in Houma in January 2009 at the age of 53.

Footnotes:

- i 1 in 100: Behind Bars in America 2008, Pew Charitable Trusts
- ii 1 in 100: Behind Bars in America 2008, Pew Charitable Trusts
- iii More information at: www.corrections.state.la.gov
- iv More information at: www.laclu.org
- v More information at: www.nlada.org
- vi Louisiana State Constitution, 1974, Article 1, §13
- vii More information at: www.lpdb.la.gov
- viii R.S. 15:141, et. seq.
- ix Anne E. Casey Foundation 2009 Kids Count Data Book

- x Anne E. Casey Foundation 2010 Kids Count Data Book
- xi Louisiana Department of Education, Cohort Graduation Rates
- xii Juvenile Justice Implementation Commission, December 10, 2007, available upon request
- xiii More information at: www.jjpl.org
- xiv More information at www.macfound.org and www.aecf.org
- xv Anne E. Casey Foundation 2009 Kids Count Data Book
- xvi More information at: www.ip-no.org

